

March 23, 2009

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
MARCH 23, 2009

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KATHLEEN LOCEY  
FRANCIS BEDETTI, JR.  
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR MEETING

MR. KANE: I'd like to call to order the March 23,  
2009 meeting of the New Windsor Zoning Board of  
Appeals.

ACCEPTANCE OF MINUTES DATED FEBRUARY 9, 2009

MR. KANE: Motion to accept the minutes of February 9,  
2009 as written.

MR. BEDETTI: So moved.

MS. LOCEY: I'll second that motion.

ROLL CALL

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MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS: \_\_\_\_\_

JAMES\_HINEK\_(09-07) \_\_\_\_\_

MR. KANE: Tonight's first preliminary meeting is James Hinek for R. Delson. Request for existing shed 7 foot 3 inch side yard is the back and a 3 foot 5 inch rear yard setback and an existing second kitchen all at 206 Summit Drive, come on up. So you know what we do in the Town of New Windsor is we hold two meetings, one's a preliminary meeting so we can understand what you want and you can understand what we need from you to make a decision, some towns they do it in one meeting, if you're not ready, you lose. So that's how we do it and it will be very similar as to what happens tonight except at the public meeting the public is involved. Okay, so what you want to do is state your name and address, speak loud enough for that young lady to hear you.

MR. HINEK: James Hinek, 206 Summit Drive, New Windsor.

MR. KANE: Tell us what you want to do.

MR. HINEK: Basically, the Delsons are looking to sell their house to us and they've got an existing shed, an existing second kitchen that they've had on the premises since 1972. So we've got a choice, we can either take the kitchen out and take the shed out or look for the variance.

MR. KANE: Let's take it one at time. We'll talk about the shed first. Existing shed up since 19?

MR. HINEK: 1972.

MR. KANE: To your knowledge, and again, the best you can, certain questions we have to ask, cut down any substantial vegetation and trees in the building of the shed?

MR. HINEK: Since 1972, no.

MR. KANE: Got to ask them. Create water hazards or runoffs?

MR. HINEK: No.

MR. KANE: Any easements going through the area where the shed is?

MR. HINEK: No.

MR. KANE: Any complaints to your knowledge formally or informally about the shed?

MR. HINEK: None.

MR. KANE: Shed similar in size and nature to other sheds that are in your neighborhood?

MR. HINEK: Yes.

MR. KANE: And obviously with the shed up that long moving it would be--

MR. HINEK: Impossible.

MR. KANE: Any other questions on the shed at this point? Existing second kitchen again in place?

MR. HINEK: It's in the basement, okay, and basically what happened was when the Delsons moved in in '72 there they were going to move her parents down there, they didn't live long enough to move down there but the second kitchen stayed.

MR. KANE: The reason they bring you in here is that we want to make sure everything is legal and there's not an apartment or and any such thing happening or an

illegal two-family home with it so the question would become the home is on one set of utilities?

MR. HINEK: Yes.

MR. KANE: Electric and gas serve both kitchens?

MR. HINEK: Yes.

MR. KANE: Your intent is to always use that as a single-family home?

MR. HINEK: Yes, I mean, my daughter's living down there now but yes we're not renting it out.

MR. KANE: No intention in the future?

MR. HINEK: Absolutely not, you know how much lack of privacy you get? There's no separate entrance.

MR. KRIEGER: He has to ask because it has to be a matter of record not because he thinks it's a good or bad idea.

MR. HINEK: That's fine, I have no problem with it.

MR. KANE: Is there a separate entrance that was going to be my next question?

MR. HINEK: There's a garage and side door in the garage like all the houses in the developments have inside, it's free and open to the house.

MR. KANE: Any further questions on the second kitchen?

MS. LOCEY: I only have a question on the notice of disapproval, well, actually, on the agenda it said the existing second kitchen then in parenthesis a two-family house?

MR. KANE: That's the way they wrote it up. I have never seen it written up like that before, your intent is not make in a two-family house, your intention is just to have a second kitchen, summer kitchen?

MR. HINEK: It's kind of stupid to take the second kitchen out, that's all.

MR. KANE: We want to get everything on the record.

MS. LOCEY: That verbiage should be changed before it goes to public hearing.

MR. KANE: Yes, we'll have a note to have this, this shouldn't be--

MS. LOCEY: On the agenda.

MR. KRIEGER: Creates a two-family house.

MR. KANE: Yes, just existing second kitchen and we need an interpretation on it, it shouldn't say creates a two-family house because that's not the intent.

MS. MASON: Okay.

MR. KANE: We just want that it shouldn't go out on the notice.

MS. MASON: It should say what?

MR. KANE: Should say existing second kitchen, we need an interpretation.

MS. MASON: Okay, got it.

MR. DITTBRENNER: To clarify single family residence?

MR. KANE: Correct.

MR. KRIEGER: Mr. Hinek, so you understand what's going on, if you had come in asking for a two-family house that would be a use variance, very difficult to get under the way the state legislature's written it. If however it's just a second kitchen in a one-family house, that's an interpretation, you've heard that word used many times and that's much easier to do. The building inspector wants you to come in because he wants it to be a matter of record just in case somebody in the future decides to have a separate apartment, make it into a separate apartment, they didn't have permission to do that.

MR. KANE: They have done it.

MR. HINEK: Right.

MR. KRIEGER: This won't, this won't prevent that from happening but makes it a lot easier for the building department in the process even if it does but by putting that two-family house in the public notice the zoning board will experience a room full of people complaining about something that they need not complain about.

MS. LOCEY: Right, and the way that you prove to us that it is not a two-family house is if you say there's clear access from one floor to the other, there's not a dividing wall and that there's one utility.

MR. HINEK: Which there is.

MS. LOCEY: So with that in mind--

MR. KANE: With the second kitchen it's a matter of formality covering the bases and getting it into the record. Any further questions? If not, I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public

hearing on the application of James Hinek for an existing shed and an interpretation for a second kitchen in a single family home or does it create a two-family house all at 206 Summit Drive in an R-4 zone.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. HINEK: Can I ask a question? Any chance this will be on April 13 agenda or will it be further out?

MS. MASON: I think it's going to be the one after that one but I'll try.

MR. HINEK: Thanks for your time.



PUBLIC\_HEARINGS: \_\_\_\_\_

AUTO\_ZONE\_(09-04) \_\_\_\_\_

MR. KANE: Public hearing Auto Zone. Request for variance for off-street parking 62 spaces required, 54 provided, request for 8 spaces total at Route 94 in a C zone.

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Good evening, for the record my name is Greg Shaw from Shaw Engineering representing Auto Zone tonight. If you don't mind, I'd like to read into the record that which I amended to the variance application, I'll try and be as quick as I can. Windsor Associates HS LLC is the owner of a 1.435 acre parcel of land located on the south side of New York State Route 94, identified as 1011 NYS Route 94. The subject parcel is located within the design shopping zoning district and is presently a developed site. Situated on the property are two one story buildings, one being an unoccupied Pizza Hut restaurant totaling 2,545 square feet and the other an occupied retail building totaling 2,416 square feet. Auto Zone is proposing to demolish the Pizza Hut building and construct a new 6,779 square foot retail store. The existing retail building is scheduled to remain. Improvements proposed by Auto Zone include two highway entrances, concrete curbing, a storm drainage system, landscaping, lighting and other associated realty improvements. Also included in the redevelopment of the site are 54 parking spaces which is less than the required 62 spaces required by New Windsor Zoning Ordinance thus the need for a parking variance for eight spaces. No other feasible measure is available to Auto Zone. Being a national retail chain it has a prototype building with standard dimensions which total 6,779 square feet of building area. This prototype

building along with the area of the existing retail building that is scheduled to remain leaves a defined area available for parking spaces. Utilizing all of this available area still leaves us with a deficiency of eight spaces. To provide all of the required parking spaces will result in the reduction in the size of Auto Zone's building which makes the site unfeasible for their use. The parking variance of eight spaces is not substantial as it represents only a 13 percent reduction from that required by zoning. The 54 parking spaces which will be constructed are adequate for customers and employees of Auto Zone and the existing retail building. The requested parking variance will allow the development of the site for retail purposes which is a permitted use in the C zoning district. Because it's a permitted use, it will not have an adverse affect or impact on the physical or environmental conditions of the neighborhood or district. And financially, why the Zoning Board of Appeals should grant this application for an area variance? The property is an existing tired retail site developed approximately 30 years ago. Auto Zone proposes to redevelop the site in its entirety in accordance with New Windsor's site plan standards. This will result in a substantial upgrade to the property, to the neighborhood and to the Town of New Windsor. As Auto Zone does not require all of the parking required by the zoning, this deficiency of eight parking spaces is not substantial and will not have an impact on the neighborhood. And finally, with that application we're also asking for a sign variance. We're proposing to have one facade sign but in lieu of the dimensions of the 2 1/2 feet by 10 feet we're requesting a variance to allow us to construct again one sign 3 1/2 feet deep by 31 feet 6 inches in width.

MS. MASON: You still never gave me the paperwork on the sign.

MR. KANE: There is no paperwork on the sign at all.

MR. SHAW: What paperwork are you referring to?

MS. MASON: From the building department.

MR. KANE: For any kind of variance.

MR. SHAW: I only can tell you that I gave them the paperwork three weeks ago, I gave them the check for \$50, I amended the application, I submitted renderings of the sign itself and I can't control what the building department does or does not do.

MR. KANE: Point being is did it make it?

MS. MASON: I forgot all about the sign.

MR. KANE: Not too worried about it being on this sheet but did it make it into the public as far as the notice?

MS. MASON: No.

MR. KANE: There's nothing we can do if it didn't make it into the public notice, it has to be out there for ten days, I mean, we can, Greg, we can proceed with this and take care of the parking spaces.

MR. KRIEGER: You can also if you want you can also waive a preliminary on the sign, you don't have to have him come in to do a separate prelim on the sign.

MR. SHAW: There is no reference to the sign in the legal notice, Myra?

MS. MASON: No.

MR. DITTBRENNER: I believe we did discuss this at the preliminary.

MS. MASON: We did talk about it.

MR. DITTBRENNER: It's reflected in the minutes that we we did move this.

MR. KRIEGER: That's my recollection as well.

MS. LOCEY: Yes, we did.

MS. MASON: I don't have the notice. Does anybody have the notice? Do you have the notice?

MR. SHAW: No.

MR. BEDETTI: Myra, were there mailings that went out? Did they reference the sign?

MS. MASON: That's what I'm trying to figure out but I don't have the notice.

MR. SHAW: I don't have a copy of the notice with me, only the original application and the backup material.

MS. LOCEY: I know we discussed it at the last meeting the preliminary meeting regarding a last minute addition for the sign variance.

MR. KANE: Without proof that it went out as a public mailing there's not much we can do.

MR. KRIEGER: What I would suggest you do is hold the hearing with respect to the sign open, after the end, take a vote and if the notice is adequate he doesn't have to come back, it's all done. If it's not, cross that bridge when you come to it.

MR. KANE: Then we would waive a preliminary and go straight to a public meeting with him if the worst case scenario.

MR. DITTBRENNER: We had it and voted to move it forward.

MR. KRIEGER: Waive having another one.

MS. KANE: Right, okay, so what we'll do is we'll discuss it and move forward tonight and when you make a motion we'll have to make it in two separate things so that we cover each base.

MS. LOCEY: Well, we can make the motion regarding the signage.

MR. KANE: Contingent on us finding out if the public went out.

MR. KRIEGER: Yeah, because the other one doesn't need to be contingent.

MR. KANE: We'll make two separate motions so we have everything, okay, Greg?

MR. SHAW: That's as good as I can ask for.

MR. KANE: All right, signage?

MR. SHAW: I believe I submitted two documents regarding the signage, one is a colored rendering of the signage itself and the second is the exterior elevation of the building and how the signage would be placed on the building. I know I also submitted an amended application along with that material so the application is complete, the documentation is complete, it's just a question of the legal notice.

MR. KANE: What were the variances you were looking for, Greg?

MR. SHAW: We were looking to increase the depth of the sign from 2 1/2 feet to 3 feet and to increase the

length of the sign, I believe it's 10 feet we're asking to increase it to 31 feet 6 inches. Again, it would just be one sign on the building.

MR. KANE: How far off the road?

MR. SHAW: It's 80 feet from the right-of-way line, add another 10 feet to get to the edge of the pavement.

MR. KANE: And that's the only sign that's going to be on the building?

MR. KRIEGER: And it's lower in elevation than the pavement.

MR. KANE: Yes, it's the only sign that's on the building. The sign itself going to be illuminated?

MR. SHAW: Yes, when we go assuming that we get variances and we return to the planning board, as I said before the whole site is being redone including site lighting and landscaping and curbing and pavement, it's going to be a total redo.

MR. KANE: The sign would be internally illuminated, non-flashing?

MR. SHAW: Yeah.

MR. KRIEGER: Steady?

MR. SHAW: Yes.

MR. KANE: Steady illumination?

MR. SHAW: Yes.

MR. KANE: According to the plan, I'm going to say the front of the building is 94 feet going across?

MR. SHAW: Yes, the width is 94 and the depth is 72 feet.

MR. KANE: And this is standard sign that Auto Zone uses on their buildings?

MR. SHAW: Correct, Auto Zone I believe is presently located across the street in the plaza and they would be leaving that and building this new building here.

MR. KANE: Other questions from the board at this moment? Seeing as there's not, I will open it up to the public, ask if there's anybody in the public for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting and Myra, do we know how many mailings we had?

MS. MASON: On March 11, I mailed out 28 addressed envelopes and had no response.

MR. KRIEGER: Now, you said that with the parking places that the Auto Zone doesn't need the full number of parking places that's specified by the ordinance, why not?

MR. SHAW: Absolutely not, just based upon the traffic that comes into one of their standard franchises, one of their standard operations just doesn't warrant that many vehicles. New Windsor which is one space for every 150 square foot is in my opinion on the high side and for a national operation such as this they truly don't need it.

MR. KRIEGER: And the size of the store is aside from being standard with the corporation is also dictated by the size of the store you need to hold the merchandise?

MR. SHAW: Absolutely.

MR. KRIEGER: It's the minimum size to hold the

required merchandise?

MR. SHAW: Right and again that 1 per 150 square feet we're shy eight spaces we'd have to reduce the size of the building by 1,500 square feet, no, excuse me, 1,200 square feet which would make the store unusable, you just couldn't deduct 1,200 square feet out of the store and have it be a successful operation.

MR. KANE: Greg, do you know approximately how many employees work in there?

MR. SHAW: No, I don't, I'm sorry, I don't have that information available.

MR. KANE: Well, for the record, having been in the place across the street, normally there's never more than four that I've seen approximately on duty at any one time leaving a lot of parking lot.

MR. SHAW: Yes.

MR. KANE: Any further questions? I'll accept a motion, let's do a motion on the parking first please.

MR. DITTBRENNER: I would move that we approve the request of Auto Zone for a variance approving lack of sufficient parking spaces by the number of 8 at the property located on Route 94 in the C zone. The second motion is that we approve a variance for the size of the signage at this property the variance of 1 foot I believe in width and 11 feet in length.

MR. KANE: No, 21 feet in length.

MR. SHAW: It's 21 feet 6 inches.

MR. DITTBRENNER: So 21 feet 6 inches and I would make that motion contingent upon our validating that the appropriate public notice was provided for this public



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hearing.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

POUGHKEEPSIE\_PROPERTIES\_(09-05)

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MR. KANE: Next is Poughkeepsie Properties request for lot number 1 request for 5 foot building height, lot number 2 request for 70 foot minimum lot width all at 121 Executive Drive in a PI zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Thank you. Again, I'm here representing Poughkeepsie Properties LLC who is the owner of a 2.51 acre parcel of land located on the east side of Executive Drive. The subject parcel is located within the Planned Industrial zoning district and is a developed site. Presently situated on the property is a two story building totaling 12,000 square feet of office space and 44 parking spaces. In 2008, the New Windsor Planning Board granted site plan approval for second office building on the subject property. This new building totals 6,660 square feet of office space. New site improvements consisted of a subsurface storm water detention system and an expanded parking area of 124 spaces, that being 44 spaces existing and 60 new spaces. In November of 2008, Poughkeepsie Properties LLC submitted an application to the planning board to subdivide the property into two lots. By subdividing the property it would allow Poughkeepsie Properties more flexibility in obtaining financing for the new building. Also, having the building on each lot would allow Poughkeepsie Properties the flexibility to sell a lot if it chose to. The two proposed lots conform to the bulk requirements of New Windsor Zoning Ordinance other than the following two which require a variance from the Zoning Board of Appeals. Lot number 1 requires a building height variance, we're allowed a building height of only 16 feet, we're requesting a building height of 21 feet and the requested variance is 5 feet. Regarding lot number 2, the lot width has to be a mean of 150 feet, we're providing 80 feet and

the variance required is 70 feet. No other feasible measure is available to Poughkeepsie Properties regarding the variance for building height. The height allowed is a function of the buildings distance to the nearest lot line which is the common lot line separating lots 1 and 2. It is not feasible to move this common lot line to the north to provide the required distance for the building height of lot 1 because of the conflict with the site improvements, that being the retaining wall and storm drainage system related to the parking area of lot 2. Regarding the lot width and subdividing the property it is imperative that each lot have the required number of parking spaces required by zoning. The fact that lot 1 requires 80 parking spaces dictated the location of the common lot line separating the two lots. This resulted in a lot width of 80 feet for lot 2 where 150 is required. For the reason of providing 80 spaces for lot 1 makes it not feasible to pursue another measure in lieu of a variance. Whether it is substantial, the variance for building height will allow the building to be constructed 5 feet higher than permitted by zoning. The reason the zoning ordinance makes the building height a function of the distance to the nearest lot line is to protect the abutting lot owner. In this case, the affected property is also Poughkeepsie Properties LLC, the increase in building height does not affect other abutting property owners as their setback distances are 37 feet, 100 feet and 106 feet far in excess of the required 21 feet. Regarding the lot width, the variance is not substantial as the only improvements proposed within that area is the common access drive and parking. Having a common entrance from Executive Drive for both lots gives the appearance of integrated parking area, where the 150 foot lot width is not necessary. The only property affected by the increase in the building height of lot 2, excuse me, of lot 1 is lot 2 as the abutting property owners have setback distances far in excess of the required 21 feet. Also the variance for building height would not

be required at all if the property line separating the lot was moved 5 feet to the north into lot 1 and this was not possible due to the parking area of lot 2. The real issue is not building height of 21 feet but the distance of the building from the property line separating the two lots. With that being said, 21 foot high building is not excessive and will not have an adverse impact on the neighborhood or district as it would be permitted if the lot line was moved five feet to the north which of course as previously mentioned cannot be. Regarding lot width having the common access from the Executive Drive into the parking area of the two lots gives the appearance of an integrated parking area, not two separate parking areas. For this reason, it can be stated that a reduced lot width is not excessive and will not have an adverse affect. And finally why the application should be granted, based upon the site plan approval obtained for the second office building, it could be stated that the new office building will be built adjacent to the existing office building along with 124 parking spaces on a parcel of 2.45 acres. The planning board determined that this will not have an adverse impact on the neighborhood or the Town of New Windsor. The request for the variance is simply to allow this development to occur on two lots instead of one. New Windsor Zoning Ordinance defines building height as a vertical distance measured from the average elevation of the finished grades along the side of the structure fronting on the nearest street to the highest point of such structure, excluding a chimney because the building is 15 feet high on the north side and 27 feet high on the south side, its building height is calculated at 21 feet, 5 feet in excess of that allowed by the distance 16 feet to the new lot line separating the lots. Because the measured building height at the 16 foot setback is 15 feet, it's less than the maximum, the 15 foot height satisfies the spirit of the requirement of 12 inches per foot to the nearest lot line. In summary, the purpose of limiting the building height to the distance

to the nearest lot line is to protect the adjoining property owner from an excessively high building, in this case, the adjoining property is also Poughkeepsie Properties and the measured height of the building adjacent to the affected property is less than the requirement of 12 inches per foot to the nearest lot line. Thank you.

MR. KANE: So the building height variance that was the question I was going to ask is going to the existing two story office building and that happens because of the lot line change?

MR. SHAW: Correct, all right, and in order for us to subdivide these lots, we have to get these two variances very simply with respect to the building height, we're providing a minimum setback of 16 feet, our building height along this face is 15 feet so when you use the concept of 12 inches per foot to the nearest lot line we're compliant except the building height is defined in your zoning ordinance as the average of the two. So because I'm at 27 feet along this face because when you add the 15 and divide by 2 is 21 I'm 5 feet short which in reality is the purpose is to limit this building's height so it doesn't affect the adjacent lot. Well, I'm really compliant with the spirit because I'm only 15 feet high and I'm really I could be 16 feet. It's this face which causes the issue cause I have to average it in.

MR. KANE: Which really wouldn't be an issue to the person on the other side.

MR. SHAW: Can you see this?

MS. LOCEY: No, I can see it.

MR. KANE: That explains that, well, thank you. On the 70 foot minimum lot width is because of the entrance to lot number 2?

MR. SHAW: What it really comes down to is with respect to lot 1, I have to make this lot compliant with respect to zoning ordinance, I have to provide on this lot a total of, I have to provide 80 spaces, all right, for lot number 1, there are not 80 spaces on the site cause this building was built prior to upgrading the parking requirement. So I had to create additional parking spaces in this area that goes with the lot 1, that forced me now to strike the line separating lots 1 and 2, all right. Now when I strike the line, I don't have 150 feet of lot width, so in order to provide lot number 1 with the required number of parking spaces I had to make sure that those parking spaces are on that lot 1 and the result was I'm deficient with respect to lot width for lot 2.

MR. KRIEGER: For the record, those parking spaces are all created and existing, the asphalt is already there?

MR. SHAW: The parking spaces that are not shaded in exist, all right, the shaded parking are, the shaded areas are the new parking spaces which the planning board approved along with the creation of the building on lot 2.

MR. KANE: Okay, at this point, I will open it up to the public, ask if there's anybody here for this particular hearing? At this point, I'll close the public portion of the meeting, bring it back to Myra, ask how many mailings we had.

MS. MASON: On the 11th of March, I mailed out 6 addressed envelopes and had no response.

MR. KANE: Further questions from the board? I'll accept a motion.

MR. BEDETTI: The 70 feet against the 150 requirement that's a rather substantial request.

MR. SHAW: Yes, it is, and in my opinion and I know that's the way it's written in the zoning ordinance, my experience in talking with the planning board it was written primarily for residential properties. What New Windsor wanted to do was to get away with, to get away from flag lots, okay, lots that were created over the years with a 25 or 50 foot neck which went 200 feet and then branched out to a 1 or 2 acre parcel and to eliminate those flag lots they basically set the lot width at the front yard setback and this is my opinion now, I do not believe it is, it's the board's intentions to have that really pertain to commercial properties, okay, even though it is the law, please understand it was really geared more for the residential lots than commercial lots.

MR. KANE: There's no signage by the driveways going in there?

MR. SHAW: No, not proposed at this time.

MR. KANE: That's parking to the right of it as we look at it, so you've got a pretty open view going in and out of that exit.

MR. SHAW: Yes and it's pretty straight.

MR. KANE: Further questions?

MR. BEDETTI: Yeah, the buildings you have marked number 1 is the old existing building?

MR. SHAW: Correct, that used to be ENAP, right now Newburgh School District is in it.

MR. BEDETTI: The one to the left one that's currently under construction?

MR. SHAW: Correct.

MR. BEDETTI: Now the one further to the left the gray area?

MR. SHAW: That's a parking area and that's the smoked glass building.

MR. BEDETTI: Just about where your knuckles are that shaded area that's parking as well?

MR. SHAW: Yes, this is the existing curb line right here, double struck line and it's parking, it's called out as macadam parking lots. I'm going to need a little help as to what you're referring to.

MR. BEDETTI: Just point out the 80 foot.

MR. SHAW: This, the green lines are the boundaries of the two lots, this the pink line is the lot width which is defined at the front yard setback which is 50 feet from the right-of-way line parallel to the right-of-way line at this point 50 feet back I need to provide a width of, a lot of 150 feet, it's only 80 feet, it's here is one lot line of lot number 2 and this location is the other edge of lot number 2 therefore it defines the lot width of 80 feet 70 feet short.

MR. KANE: Further questions? I'll accept a motion.

MR. DITTBRENNER: I move we approve the application of Poughkeepsie Properties for two variances, one as it relates to a 5 foot building height variance request on lot 1 and on lot 2 a request for 70 foot minimum lot width variance all at 121 Executive Drive.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. DITTBRENNER      AYE



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MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MICHAEL\_SMITH\_(09-02) \_\_\_\_\_

MR. KANE: Next is Michael Smith request for 9 foot rear yard setback for an existing shed at 20 Willow Parkway in an R-4 zone.

Mr. Michael Smith appeared before the board for this proposal.

MR. KANE: Just like preliminary, speak loud enough for the young lady to hear you.

MR. SMITH: Michael Smith, 20 Willow Parkway, Neew Windsor.

MR. KANE: Tell us what you want to do, Michael.

MR. SMITH: Well, just hear for the 9 foot variance for the existing shed that we have there as we discussed last time and that's it.

MR. KANE: Okay, how long has the shed been in existence?

MR. SMITH: Current one we bought at Devitt's in the early '80s '81, '82 and replaced it.

MR. KANE: Cut down any substantial vegetation or trees?

MR. SMITH: No.

MR. KANE: Create any water hazards or runoffs?

MR. SMITH: No.

MR. KANE: Any easements running through the area?

MR. SMITH: No.

MR. KANE: Any complaints formally or informally about the shed?

MR. SMITH: No.

MR. KANE: Shed similar in size and nature to other sheds that are in your neighborhood?

MR. SMITH: Yes.

MR. KANE: Moving the shed would cause a hardship?

MR. SMITH: Yes, absolutely.

MR. KANE: I'll open it up to the public, ask if there's anybody here for this particular hearing? Seeing as there's nobody here, we'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On the 11th day of March, I mailed out 73 addressed envelopes and had no response.

MR. KANE: Bring it back to the board for questions? If nothing further, I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant the variance to Michael Smith for a 9 foot rear yard setback for an existing shed at 20 Willow Parkway in an R-4 zone.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. SMITH: Thank you very much.

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MR. KANE: Motion to adjourn?

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER      AYE

MR. BEDETTI            AYE

MS. LOCEY             AYE

MR. KANE               AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

